

construction or operation of any station that would require approval of the Aeronautical Flight Test Radio Coordinating Council (AFTRCC). Any fixed sites or mobile units within the protection radii of the non-Government flight test operations listed in footnote US363 of § 2.106 of this chapter will require AFTRCC approval. The licensee in the 2385–2390 MHz Band must receive AFTRCC approval prior to filing an application and the application must contain a showing of AFTRCC approval.

(d) Prior to construction of a station, the 2385–2390 MHz licensee must register with the Commission any station antenna structure for which notification to the Federal Aviation Administration is required by part 17 of this chapter.

(e) It is the licensee's responsibility to determine whether a referral to the Commission is needed for any individual station constructed.

(f) The application required in paragraphs (b) and (c) of this section must be filed on the Universal Licensing System.

[67 FR 41857, June 20, 2002, as amended at 69 FR 17958, Apr. 6, 2004]

§ 27.1004 Geographic partitioning and spectrum disaggregation.

An entity that acquires a portion of a 2385–2390 MHz licensee's geographic area or spectrum subject to a geographic partitioning or spectrum disaggregation agreement under § 27.15 must function as a 2385–2390 MHz licensee and is subject to the obligations and restrictions on the 2385–2390 MHz license as set forth in this subpart.

§ 27.1005 2385–2390 MHz service licenses subject to competitive bidding.

Mutually exclusive initial applications for the 2385–2390 MHz Band license are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this subpart.

§ 27.1006 Designated entities.

(a) *Eligibility for small business provisions.*

(1) A very small business is an entity that, together with its controlling in-

terests and affiliates, has average annual gross revenues not exceeding \$15 million for the preceding three years.

(2) A small business is an entity that, together with its controlling interests and affiliates, has average annual gross revenues not exceeding \$40 million for the preceding three years.

(b) *Bidding credits.* A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(iii) of this chapter.

[67 FR 41857, June 20, 2002, as amended at 68 FR 43000, July 21, 2003]

Subpart L—1710–1755 MHz and 2110–2155 MHz Bands

SOURCE: 69 FR 5716, Feb. 6, 2004, unless otherwise noted.

LICENSING AND COMPETITIVE BIDDING PROVISIONS

§ 27.1101 1710–1755 MHz and 2110–2155 MHz bands subject to competitive bidding.

Mutually exclusive initial applications for 1710–1755 MHz and 2110–2155 MHz band licenses are subject to competitive bidding. The general competitive bidding procedures set forth in 47 CFR part 1, subpart Q will apply unless otherwise provided in this subpart.

§ 27.1102 Designated entities.

(a) *Eligibility for small business provisions.* (1) A small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$40 million for the preceding three years.

(2) A very small business is an entity that, together with its affiliates, its controlling interests and the affiliates of its controlling interests, has average gross revenues that are not more than \$15 million for the preceding three years.

(b) *Bidding credits.* (1) A winning bidder that qualifies as a small business, as defined in this section, or a consortium of small businesses may use a bidding credit of 15 percent, as specified in § 1.2110(f)(2)(iii) of this chapter, to lower the cost of its winning bid on any of the licenses in this part.

(2) A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use a bidding credit of 25 percent, as specified in § 1.2110(f)(2)(ii) of this chapter, to lower the cost of its winning bid on any of the licenses in this part.

RELOCATION OF INCUMBENTS

§ 27.1111 Relocation of fixed microwave service licensees in the 2110–2150 MHz band.

Part 101, subpart B of this chapter contains provisions governing the relocation of incumbent fixed microwave service licensees in the 2110–2150 MHz band.

PROTECTION OF INCUMBENT OPERATIONS

§ 27.1131 Protection of Part 101 operations.

All AWS licensees, prior to initiating operations from any base or fixed station, must coordinate their frequency usage with co-channel and adjacent channel incumbent, Part 101 fixed-point-to-point microwave licensees operating in the 2110–2155 MHz band. Coordination shall be conducted in accordance with the provisions of § 24.237 of this chapter.

§ 27.1132 Protection of Part 21 operations.

All AWS licensees, prior to initiating operations from any base or fixed station, must coordinate their frequency usage with co-channel and adjacent channel incumbent Part 21 MDS licensees operating in the 2150–2155 MHz band. In the event that AWS and MDS licensees cannot reach agreement in coordinating their facilities, either licensee may seek the assistance of the Commission, and the Commission may then, at its discretion, impose requirements on either or both parties.

§ 27.1133 Protection of Part 74 and Part 78 operations.

AWS operators must protect previously licensed Broadcast Auxiliary Service (BAS) or Cable Television Radio Service (CARS) operations in the adjacent 2025–2110 MHz band. In satisfying this requirement AWS licensees must, before constructing and operating any base or fixed station, determine the location and licensee of all BAS or CARS stations authorized in their area of operation, and coordinate their planned stations with those licensees. In the event that mutually satisfactory coordination agreements cannot be reached, licensees may seek the assistance of the Commission, and the Commission may, at its discretion, impose requirements on one or both parties.

§ 27.1134 Protection of Federal Government operations.

(a) *Protection of Department of Defense operations in the 1710–1755 MHz band.* The Department of Defense (DoD) operates communications systems in the 1710–1755 MHz band at 16 protected facilities, nationwide. AWS licensees must accept any interference received from these facilities and must protect the facilities from interference. AWS licensees shall protect the facilities from interference by restricting the operation of their base and fixed stations from any locations that could potentially permit AWS mobile, fixed, and portable stations transmitting in the 1710–1755 MHz band to cause interference to government operations within the radii of operation of the 16 facilities (the radii of operation of each facility is indicated in the third column of Table 1 immediately following paragraph (a)(3) of this section). In addition, AWS licensees shall be required to coordinate any operations that could permit mobile, fixed, and portable stations to operate in the specified areas of the 16 facilities, as defined in paragraph (a)(3) of this section. Protection of these facilities in this manner shall take place under the following conditions:

(1) At the Yuma, Arizona and Cherry Point, North Carolina facilities, all operations shall be protected indefinitely.